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EXAMINER	
GAY, JENNIFER HAWKINS	

ART UNIT	PAPER NUMBER
3672	

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/044,639	AKERLUND, TOR JAN	
	Examiner	Art Unit	
	Jennifer H Gay	3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 May 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24 and 35-63* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24 and 35-63* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. *10* .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Applicant's request for reconsideration of the finality of the rejection of the last Office action presented in the arguments presented on 18 May 2004, see attached Interview Summary, are persuasive and, therefore, the finality of that action is withdrawn.

Claim Clarification

1. Based on applicant's arguments presented on 18 May 2004, claims 1-63 are being treated as the combination of the "apparatus" and the "tong". Prior to applicant's arguments, the examiner had treated the claims as referring to the subcombination of the "apparatus" for positioning a tong and had given little weight to the recitation of the "tong". The bases for this assumption was the lack of detail regarding the tong in the specification and drawings, the tong is only shown in phantom in the drawings, and the lack of structural details of the tong in the claims.

In the arguments of 18 May 2004, however, applicant has made it a point that the "gripping member" of Swoboda, Jr. et al. was not a tong and that the "gripping member" was not used to make up or break out a tubular member. Applicant has thus argued the claims as if claiming the combination of the "apparatus" and the "tong". However, as written, the language of the claims tends toward the subcombination of the "apparatus" despite the specific recitation the "tong". Without any specific details of the tong, the tong itself has little or no bearing on the functionality of the "apparatus". Further, applicant has not indicated that the "apparatus" is used in conjunction with a wellbore, drill platform, etc. thus the function of the "tong" of "making up or breaking down" tubulars as argued by applicant is not necessary to meet the limitations of the claims.

It is the lack of details regarding the tong that indicate to the examiner that the claimed "apparatus" is what applicant considers the instant invention and that the "apparatus" could be used with various pieces of equipment and the functionality of the "apparatus" would not changed. However, in accordance with applicant's arguments, the claims are being treated as the combination of the "apparatus" and the "tong".

Claim Objections

2. Claims 53-56 are objected to because of the following informalities: claims 53 and 55 are identical as are claims 54 and 56. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-20, 24, 35, 36, 38-47, 50, 51, 53-63 are rejected under 35 U.S.C. 102(b) as being anticipated by Honea (US 3,978,990).

Regarding claim 1: Honea discloses an apparatus for positioning a tong. The apparatus includes the following features:

- A cantilevered extendable boom **16** with the tongs **200** attached to the end thereof.
- An actuating member **26** (6:56-68, 7:1-46) for extending and retracting the extendable boom.
- A mounting assembly (Figure 2) coupled to an opposite end of the boom.

Regarding claim 2: The boom is telescopic (Figure 6).

Regarding claims 3 and 18: The boom is pivotable about a vertical axis (5:45-52).

Regarding claims 4 and 19: The boom is pivotable about a horizontal axis via a pivot point shown in Figure 2.

Regarding claims 5 and 15: The boom includes an outer barrel **22** and an inner barrel **22'**.

Regarding claims 6 and 16: The boom includes an intermediate barrel **22''**.

Regarding claims 7 and 17: As shown in Figure 6, a portion of the inner barrel is slidably mounted in the intermediate barrel and a portion of the intermediate barrel is slidably mounted in the outer barrel.

Regarding claims 8 and 12: The mounting assembly includes a base **12** and a carriage **14** that is pivotally attached to the base. As shown in Figure 2, a portion of the outer barrel is disposed in the carriage.

Regarding claims 9 and 24: The tong is movably attached to the inner barrel (Figures 11-13).

Regarding claims 10 and 13: As shown in Figures 2-4, the outer barrel is secured to the carriage via a clamping assembly **20**.

Regarding claim 11: As stated in column 5, lines 45-60, the outer barrel is extendable relative to the carriage thus the outer barrel would be extendable relative to the clamping assembly.

Regarding claim 14: Though not specifically disclosed, the clamping assembly would inherently be releasable connected to the carriage in order to have been able to disassemble the apparatus for maintenance.

Regarding claim 20: The apparatus includes a motor **48**, **50**, and **54** to adjust the position of the boom relative to the mounting assembly.

Regarding claim 35: Honea discloses an apparatus for positioning a tong. The apparatus includes the following features:

- A cantilevered extendable boom **16** with the tongs **200** attached to the end thereof.
- A motive assembly **26** (6:56-68, 7:1-46) for extending and retracting the extendable boom.
- A mounting assembly (Figure 2) coupled to an opposite end of the boom.

Regarding claim 36: The tong is movably attached to the inner barrel (Figures 11-13).

Regarding claim 38: Honea discloses an apparatus for positioning a tong. The apparatus includes the following features:

- A cantilevered extendable boom **16** with the gripping assembly **200** attached to the end thereof. As seen in Figure 11-13, the center of

mass of the gripping assembly is aligned with the central axis of the boom.

- An actuating member **26** (6:56-68, 7:1-46) for extending and retracting the extendable boom.
- A mounting assembly (Figure 2) coupled to an opposite end of the boom.

Regarding claim 39: The boom is telescopic (Figure 6).

Regarding claim 40: The boom is pivotable about a vertical axis (5:45-52).

Regarding claim 41: The boom is pivotable about a horizontal axis via a pivot point shown in Figure 2.

Regarding claim 42: The boom includes an outer barrel **22** and an inner barrel **22'**.

Regarding claim 43: The boom includes an intermediate barrel **22''**.

Regarding claim 44: The mounting assembly includes a base **12** and a carriage **14** that is pivotally attached to the base. As shown in Figure 2, a portion of the outer barrel is disposed in the carriage.

Regarding claim 45: As shown in Figures 2-4, the outer barrel is secured to the carriage via a clamping assembly.

Regarding claim 46: Though not specifically disclosed, the clamping assembly would inherently be releasable connected to the carriage in order to have been able to disassemble the apparatus for maintenance.

Regarding claim 47: The apparatus includes a motor **48**, **50**, and **54** to adjust the position of the boom relative to the mounting assembly.

Regarding claim 50: Honea discloses an apparatus for positioning a tong. The apparatus includes the following features:

- A cantilevered extendable boom **16** with the gripping assembly **200** attached to the end thereof.
- A motive assembly (6:56-68, 7:1-46) for extending and retracting the extendable boom.

- A mounting assembly (Figure 2) coupled to an opposite end of the boom.

Regarding claim 51: The tong is movably attached to the inner barrel (Figure 2).

Regarding claims 53 and 55: The boom is movable in a vertical plane (5:45-52) and a horizontal plane via a pivot point as shown in Figure 2.

Regarding claims 54 and 56: The boom is slidable along the mounting assembly between a first and second position (5:45-60).

Regarding claim 57: The boom is telescopic (Figure 6).

Regarding claim 58: Honea discloses a method for position a tong. The method involves the following steps:

- Providing an extendable boom **16** having a variable length.
- Attaching the tong **200** to a first end of the boom.
- Coupling a second end of the boom to a mounting assembly (Figure 2).
- Moving the tong between a first and second position (Figures 11-13).

Regarding claim 59: The boom is telescopic (Figure 6).

Regarding claims 60 and 61: As seen in Figures 11-13, the center of mass of the gripping assembly is aligned with the central axis of the boom.

Regarding claim 62: Honea discloses a tong assembly that includes the following features:

- An extendable boom **16**.
- A tong **200** mounted to one end of the boom.
- As seen in Figures 11-13, the center of mass of the gripping assembly is aligned with the central axis of the boom.

Regarding claim 63: Honea discloses an apparatus for positioning a tong. The apparatus includes the following features:

- A cantilevered extendable boom **16** with the tong **200** attached to the end thereof.
- A motive assembly (6:56-68, 7:1-46) for extending and retracting the extendable boom.

- A mounting assembly (Figure 2) coupled to an opposite end of the boom.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 21-23, 37, 48, 49, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honea (US 3,978,990) in view of Murrill et al. (US 4,506,480).

Honea discloses all of the limitations of the above claims except for the actuating member including a piston and cylinder assembly that was at least partially located on the boom.

Murrill et al. discloses an extendable boom similar to that of Honea. Murrill et al. further teaches the use of a piston and cylinder assembly **U** to extend the boom horizontally where the assembly is located within the boom (Figure 3). Murrill et al. further teaches that such motive assemblies are well known in the art (1:16-34).

It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified Honea to use a piston and cylinder assembly to extend the boom as taught by Murrill et al. in order to have provided a motive assembly that did not require the cables and pulleys of Honea. The elimination of the cables and pulleys would have reduced the likelihood of failure of the apparatus. The use of a piston and cylinder assembly would have also allowed an operator to control the boom from a more remote location thus adding a safety feature to the assembly.

7. Claims 1-24 and 35-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly (US 3,881,375) in view of Swoboda, Jr. et al. (US 3,840,128).

Regarding claim 1: Kelly discloses an apparatus for positioning a wellbore tong. The apparatus includes the following features:

- A boom **24** with the tong **T** attached to the end thereof.
- A mounting assembly **10** coupled to an opposite end of the boom.

Kelly discloses all of the limitations of the above claims except for the booming being cantilevered and extendable via an actuating member.

Swoboda, Jr. et al. discloses an apparatus for moving a wellbore tubular gripping member similar to the apparatus of Kelly. Swoboda, Jr. et al. further teaches a cantilevered and extendable boom **36** and an actuating member (5:35-40) for extending and retracting the extendable boom.

It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified Kelly to include the extendable boom of Swoboda, Jr. et la. In order to have been able to move a tubular member in any desired direction (2:6-10). One would have been motivated to make such a combination because a means for preventing swaying of the tubular thus increasing the safety features on the drilling or workover rig (1:30-41) would have been obtained, as taught by Swoboda, Jr. et al.

Regarding claim 2: The boom of Swoboda, Jr. et al. is telescopic (Figure 2).

Regarding claims 3 and 18: The boom of Kelly is pivotable about a vertical axis (2:55-60) as is the boom of Swoboda, Jr. et al.

Regarding claims 4 and 19: The boom of Swoboda, Jr. et al. is pivotable about a horizontal axis via a pivot point **118**.

Regarding claims 5 and 15: The boom of Swoboda, Jr. et al. includes an outer barrel **38** and an inner barrel **42**.

Regarding claims 6 and 16: The boom of Swoboda, Jr. et al. includes an intermediate barrel **40**.

Regarding claims 7 and 17: As shown in Figure 2 of Swoboda, Jr. et al., a portion of the inner barrel is slidably mounted in the intermediate barrel and a portion of the intermediate barrel is slidably mounted in the outer barrel.

Regarding claims 8 and 12: The mounting assembly of Kelly includes a base **14** and a carriage **10** that is pivotally attached to the base via bearings **18**.

Swoboda, Jr. et al. teaches a similar mounting assembly that includes a base **82** and a carriage **70** that is pivotally attached to the base. As shown in Figure 2, a portion of the outer barrel is disposed in the carriage.

Regarding claims 9 and 24: The gripping assembly of Swoboda, Jr. et al. is movably attached to the inner barrel via pivot points **72, 78**.

Regarding claims 10 and 13: As shown in Figures 11 and 12 of Swoboda, Jr. et al., the outer barrel is secured to the carriage via a clamping assembly.

Regarding claim 11: As stated in column 8, lines 37-64 of Swoboda, Jr. et al., the outer barrel is extendable relative to the carriage thus the outer barrel would be extendable relative to the clamping assembly.

Regarding claim 14: Though not specifically disclosed, the clamping assembly of Swoboda, Jr. et al. would inherently be releasable connected to the carriage in order to have been able to disassemble the apparatus for maintenance.

Regarding claim 20: The apparatus of Swoboda, Jr. et al. includes a motor **90** to adjust the position of the boom relative to the mounting assembly.

Regarding claim 21: The actuating member of Swoboda, Jr. et al. includes a piston and cylinder assembly (5:35-40, Figure 11).

Regarding claim 22: As seen in Figure 11 of Swoboda, Jr. et al., the piston and cylinder assembly is at least partially located on the boom.

Regarding claim 23: The piston and cylinder assembly of Swoboda, Jr. et al. is used to move the boom horizontally.

Regarding claim 35: Kelly discloses an apparatus for positioning a wellbore tong. The apparatus includes the following features:

- A boom **24** with the tong **T** attached to the end thereof.
- A mounting assembly **10** coupled to an opposite end of the boom.

Kelly discloses all of the limitations of the above claims except for the booming being cantilevered and extendable via a motive assembly.

Swoboda, Jr. et al. discloses an apparatus for moving a wellbore tubular gripping member similar to the apparatus of Kelly. Swoboda, Jr. et al. further teaches a

cantilevered and extendable boom **36** and a motive assembly (5:35-40) for extending and retracting the extendable boom.

It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified Kelly to include the extendable boom of Swoboda, Jr. et la. In order to have been able to move a tubular member in any desired direction (2:6-10). One would have been motivated to make such a combination because a means for preventing swaying of the tubular thus increasing the safety features on the drilling or workover rig (1:30-41) would have been obtained, as taught by Swoboda, Jr. et al.

Regarding claim 36: The gripping assembly of Swoboda, Jr. et al. is movably attached to the inner barrel via pivot points **72, 78**.

Regarding claim 37: The motive assembly of Swoboda, Jr. et al. includes a piston and cylinder assembly (5:35-40, Figure 11).

Regarding claim 38: Kelly discloses an apparatus for positioning a wellbore tong. The apparatus includes the following features:

- A boom **24** with the tong **T** attached to the end thereof. As seen in Figure 1, the center of mass of the gripping assembly is aligned with the central axis of the boom.
- A mounting assembly **10** coupled to an opposite end of the boom.

Kelly discloses all of the limitations of the above claims except for the booming being cantilevered and extendable via an actuating member.

Swoboda, Jr. et al. discloses an apparatus for moving a wellbore tubular gripping member similar to the apparatus of Kelly. Swoboda, Jr. et al. further teaches a cantilevered and extendable boom **36** and an actuating member (5:35-40) for extending and retracting the extendable boom.

It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified Kelly to include the extendable boom of Swoboda, Jr. et la. In order to have been able to move a tubular member in any desired direction (2:6-10). One would have been motivated to make such a combination because a means for preventing swaying of the tubular thus increasing the safety features on the

drilling or workover rig (1:30-41) would have been obtained, as taught by Swoboda, Jr. et al.

Regarding claim 39: The boom of Swoboda, Jr. et al. is telescopic (Figure 2).

Regarding claim 40: The boom of Kelly is pivotable about a vertical axis (2:55-60) as is the boom of Swoboda, Jr. et al. (8:7-9).

Regarding claim 41: The boom of Swoboda, Jr. et al. is pivotable about a horizontal axis via a pivot point **118**.

Regarding claim 42: The boom of Swoboda, Jr. et al. includes an outer barrel **38** and an inner barrel **42**.

Regarding claim 43: The boom of Swoboda, Jr. et al. includes an intermediate barrel **40**.

Regarding claim 44: The mounting assembly of Kelly includes a base **14** and a carriage **10** that is pivotally attached to the base via bearings **18**.

Swoboda, Jr. et al. teaches a similar mounting assembly that includes a base **82** and a carriage **70** that is pivotally attached to the base. As shown in Figure 2, a portion of the outer barrel is disposed in the carriage.

Regarding claim 45: As shown in Figures 11 and 12 of Swoboda, Jr. et al., the outer barrel is secured to the carriage via a clamping assembly.

Regarding claim 46: Though not specifically disclosed, the clamping assembly of Swoboda, Jr. et al. would inherently be releasable connected to the carriage in order to have been able to disassemble the apparatus for maintenance.

Regarding claim 47: The apparatus of Swoboda, Jr. et al. includes a motor **90** to adjust the position of the boom relative to the mounting assembly.

Regarding claim 48: The actuating member of Swoboda, Jr. et al. includes a piston and cylinder assembly (5:35-40, Figure 11). As seen in Figure 11, the piston and cylinder assembly is at least partially located on the boom.

Regarding claim 49: The piston and cylinder assembly of Swoboda, Jr. et al. is used to move the boom horizontally.

Regarding claim 50: Kelly discloses an apparatus for positioning a wellbore tong. The apparatus includes the following features:

- A boom **24** with the tong **T** attached to the end thereof.
- A mounting assembly **10** coupled to an opposite end of the boom.

Kelly discloses all of the limitations of the above claims except for the booming being cantilevered and extendable via a motive assembly.

Swoboda, Jr. et al. discloses an apparatus for moving a wellbore tubular gripping member similar to the apparatus of Kelly. Swoboda, Jr. et al. further teaches a cantilevered and extendable boom **36** and a motive assembly (5:35-40) for extending and retracting the extendable boom.

It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified Kelly to include the extendable boom of Swoboda, Jr. et la. In order to have been able to move a tubular member in any desired direction (2:6-10). One would have been motivated to make such a combination because a means for preventing swaying of the tubular thus increasing the safety features on the drilling or workover rig (1:30-41) would have been obtained, as taught by Swoboda, Jr. et al.

Regarding claim 51: The gripping assembly of Swoboda, Jr. et al. is movably attached to the inner barrel via pivot points **72, 78**.

Regarding claim 52: The motive assembly of Swoboda, Jr. et al. includes a piston and cylinder assembly (5:35-40, Figure 11).

Regarding claims 53 and 55: The boom of Kelly is pivotable about a vertical axis (2:55-60) as is the boom of Swoboda, Jr. et al. The boom of Swoboda, Jr. et al. is also movable in a horizontal plane via a pivot point **118**.

Regarding claims 54 and 56: The boom of Swoboda, Jr. et al. is slidable along the mounting assembly between a first and second position.

Regarding claim 57: The boom of Swoboda, Jr. et al. is telescopic.

Regarding claim 58: Kelly discloses a method for positioning a wellbore tong. The method involves the following steps:

- Providing a boom **24** with the tong **T** attached to the end thereof.
- Coupling a second end of the boom to a mounting assembly **10** coupled to an opposite end of the boom.

- Moving the tong between a first and second position via piston cylinder **34**.

Kelly discloses all of the limitations of the above claims except for the booming being cantilevered and extendable via an actuating member.

Swoboda, Jr. et al. discloses an apparatus for moving a wellbore tubular gripping member similar to the apparatus of Kelly. Swoboda, Jr. et al. further teaches a cantilevered and extendable boom **36** and an actuating member (5:35-40) for extending and retracting the extendable boom.

It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified Kelly to include the extendable boom of Swoboda, Jr. et la. In order to have been able to move a tubular member in any desired direction (2:6-10). One would have been motivated to make such a combination because a means for preventing swaying of the tubular thus increasing the safety features on the drilling or workover rig (1:30-41) would have been obtained, as taught by Swoboda, Jr. et al.

Regarding claim 59: The boom of Swoboda, Jr. et al. is telescopic.

Regarding claims 60 and 61: As seen in Figure 1, the center of mass of the gripping assembly is aligned with the central axis of the boom.

Regarding claim 62: Kelly discloses a tong assembly. The assembly includes the following features:

- A boom **24** with the tong **T** attached to the end thereof. As seen in Figure 1, the center of mass of the gripping assembly is aligned with the central axis of the boom.
- A mounting assembly **10** coupled to an opposite end of the boom.

Kelly discloses all of the limitations of the above claims except for the booming being cantilevered and extendable via an actuating member.

Swoboda, Jr. et al. discloses an apparatus for moving a wellbore tubular gripping member similar to that of Kelly. Swoboda, Jr. et al. further teaches as cantilevered and extendable boom **36** and an actuating member (5:35-40) for extending and retracting the extendable boom.

It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified Kelly to include the extendable boom of Swoboda, Jr. et la. In order to have been able to move a tubular member in any desired direction (2:6-10). One would have been motivated to make such a combination because a means for preventing swaying of the tubular thus increasing the safety features on the drilling or workover rig (1:30-41) would have been obtained, as taught by Swoboda, Jr. et al.

Regarding claim 63: Kelly discloses an apparatus for positioning a wellbore tong. The apparatus includes the following features:

- A boom **24** with the tong **T** attached to the end thereof.
- A mounting assembly **10** coupled to an opposite end of the boom.

Kelly discloses all of the limitations of the above claims except for the booming being cantilevered and extendable via a motive assembly.

Swoboda, Jr. et al. discloses an apparatus for moving a wellbore tubular gripping member similar to the apparatus of Kelly. Swoboda, Jr. et al. further teaches a cantilevered and extendable boom **36** and a motive assembly (5:35-40) for extending and retracting the extendable boom.

It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified Kelly to include the extendable boom of Swoboda, Jr. et la. In order to have been able to move a tubular member in any desired direction (2:6-10). One would have been motivated to make such a combination because a means for preventing swaying of the tubular thus increasing the safety features on the drilling or workover rig (1:30-41) would have been obtained, as taught by Swoboda, Jr. et al.

Response to Arguments

8. Applicant's arguments purposed on 18 May 2004 have been fully considered but they are not persuasive, however, to further the prosecution of the application new rejections of the claims have been presented. Therefore, applicant's arguments with respect to claims 1-63 are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The remaining references made of record disclose various devices for moving tongs on a drilling or workover platform and/or various extendable booms.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer H Gay whose telephone number is (703) 308-2881. The examiner can normally be reached on Monday-Thursday, 6:30-4:00 and Friday, 6:30-1:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (703) 308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Gay
Patent Examiner
Art Unit 3672

JHG
May 24, 2004